

REMARKS

This responds to the Office Action mailed on October 6, 2006, and the references cited therewith.

Claims 1, 8, and 15 are amended, claims 21-27 are canceled, without prejudice to the Applicants; as a result, claims 1-20 are presently pending in this application.

Drawing Objections

Applicants have corrected the lack of reference for drawing references 601, 603, and 605 by amending FIG. 6, described above and supplied as a replacement figure herewith along with a marked up version of the changes made to the original FIG. 6.

Applicants have corrected the lack of a reference for reference numerals 123, 124, and 315 by amending two paragraphs of the specification; paragraphs 32 and 47. Reference numeral 124 no longer exists in the specification and reference numerals 123 and 315 were inserted into the proper discussion of the specification in paragraphs 32 and 47.

Thus, objections to the drawings have been overcome and should be withdrawn. Applicants respectfully request an indication of the same.

§101 Rejection of the Claims

Claims 21-27 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although Applicants disagree with this rejection and reserve the right to later argue it is inappropriate, Applicants have cancelled claims 21-27. Thus, this rejection is no longer appropriate.

§103 Rejection of the Claims

Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ponniah (Ponniah, Paulraj, "Data Warehousing Fundamentals: A Comprehensive Guide for IT Professionals", Chapters 3, 13, and 15, John Wiley & Sons, Inc. 2001) in view of Hoxmeier (Hoxmeier, John A., "Topology of Database Quality Factors", Software Quality Journal 7, pages 179-193, 1998. It is of course fundamental that in order to sustain an obviousness rejection that each and every element or step in the rejected claims must be taught or suggested in the proposed

combination of references. Moreover, a proposed combination is only proper when there exists evidence that one of ordinary skill in the art would have been motivated to make the proposed combination.

Applicants would further like to point out that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art recited also suggests in some manner the desirability of the proposed combination. *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). Applicants would also like to note that “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002); *Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998). This requirement is rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decision making, as it is in 35 U.S.C. § 103. *See id.*, at 1344-45.” *In re Kahn*, No. 04-1616 (Fed. Cir. March 22, 2006).

It has also been held that when the primary teachings of one reference is negated or taught against or taught away from another reference in the proposed combination, then it is common sense that one of ordinary skill in the art would not have been motivated to combine the references in the manner being proposed, because in so doing the very teachings that are asserted to be complimentary are by definition not complimentary to one another. Thus, there is no motivation by one of ordinary skill in the art to combine the references. It is also the case that the intended functions of the references being combined cannot be destroyed when combined. *See In re Grasselli*, 713 F.2d 731, 743; 218 USPQ 769, 779 (Fed. Cir. 1983).

The Ponniah is focused on being a guide for IT professionals for data warehousing fundamentals. As such, it does not necessary propose anything new it simply discusses techniques and trends in data warehousing. Conversely, the Hoxmeier is focused on specifically adding new information to a database; specifically, adding behavior values or characteristics associated with the data or software capabilities of a database. *See Hoxmeier* pages 184 and 185.

Neither reference standing alone or in combination with one another discusses modeling a current state to transition to a specific goal state. The Examiner acknowledges that such a teaching cannot be found in Ponniah but claims that Hoxmeier may be used to show that at least “states of the system are studied and modeled.” Specifically, the Examiner cites page 182 and

FIG. 2 in support of this interpretation of Hoxmeier. Applicants cannot find a single reference to state of the system in Hoxmeier, the only use of the term “state” is in connection with the “state” of residence for a consumer, such as Virginia. Therefore, it appears that the Examiner is postulating that this teaching is inherent in the Hoxmeier reference. Even if this may be the case, which Applicants do not believe it to be, Applicants have amended the independent claims to specifically state that the map can be used to display a current state and transitions to a desired state. Such an arrangement is not possible in Hoxmeier, where the teaching very specifically relies on behavioral attributes to be manually added to the database to support enhanced analysis. That is, there is no ability in Hoxmeier or the other reference to define a goal state and have a current state visually mapped to depict transitions to the goal or desired state.

At best, Ponniah models a specific database or warehouse as it appears in its current state. The Hoxmeier models with added behavioral characteristics for the data. Neither reference includes a map that displays both a current state and a desired state having transitions represented as pathways for moving from the current state to the desired state, where each link of the pathways detail the actions or tasks needed for moving along the pathways toward the desired state.

Support for the Amendments can be found throughout the specification. By way of example only, the Examiner’s attention is directed to paragraphs 42-43, 45, 49, 51-54, 62, and 68.

The two references arguably discuss modeling data. Ponniah is an instructional guide and only discusses modeling techniques for existing data in a warehouse. Hoxmeier discusses modeling using behavioral data characteristics that are added to the existing data. Yet, neither shows a current state of an information repository in one map along with a desired state for that information repository having pathways and specific details for getting to the desired state.

Thus, the proposed combination lacks each and every element of the rejected independent claims and the obviousness rejection can not longer be sustained. Therefore, Applicants respectfully request that the rejections be withdrawn.

Moreover, just because references can be combined does not mean that it is appropriate to do so or that there is motivation to do so. The Ponniah is an instructional guide and adds nothing to the Hoxmeier. In fact, there is nothing new about Ponniah that would even remotely interest Hoxmeier. Hoxmeier wants to enhance data of a database by adding new and novel

behavioral data characteristics. Thus, there is no motivation by one of ordinary skill in the art to read Ponniah and combine it with Hoxmeier or vice versa because the Ponniah is nothing more than an implementation guide for Hoxmeier and provides no new conceptual value to Hoxmeier. Just because references can be combined does not mean it is rational to do so or that one of ordinary skill in the art would be motivated to do so. There is no independent motivation in the references to be combined with one another. Thus, Applicants assert that not only does the proposed combination lack each and every limitation in the amended claims but the proposed combination is improper in the first instance. Accordingly, Applicants respectfully request that the rejections with respect to the references be withdrawn and the claims allowed.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

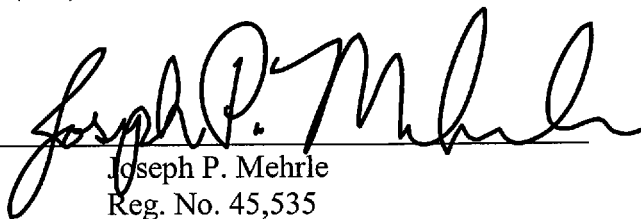
RON HYSOM ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 01/08/07

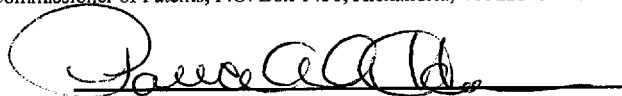
By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of January 2007.

PATRICIA A. HULTMAN

Name



Signature